



247-0862-6E

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE
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#8
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P. 199

IN RE APPLICATION OF:

Remy BADIN, et al.

:

: EXAMINER: WEAVER, S

SERIAL NO: 09/534,973

:

FILED: MARCH 27, 2000

: GROUP: 3727

FOR: HOLLOW GLASS PRODUCT WITH
OFFSET COLLAR AXIS AND PROCESS
OF MANUFACTURING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER OF PATENTS
WASHINGTON, DC 20231

SIR:

In response to the Restriction Requirement stated in the Official Action dated March 27, 2001, Applicants provisionally elect Group (Invention) I, Claims 1-8, drawn to a glass product, classified in class 215, subclass 40.

Applicants respectfully traverse the outstanding Restriction Requirement for several reasons.

First, the outstanding Office Action summarily asserts that the application contains claims to patentably distinct inventions under MPEP §806.05(e), §806.05(f) and §806.05(g). However, without further information, such a finding lacks grounds upon which it can be evaluated whether in fact the alleged alternatives are "materially different" under MPEP §806.05(e), §806.05(f) and §806.05(g). Accordingly, it is respectfully submitted that the PTO has not carried its burden of proof to establish distinctness.

R43
bottle, per
NA spec 70 glass

?
Didn't read
paragraph
reasons
given

Furthermore, MPEP §803 states the following:

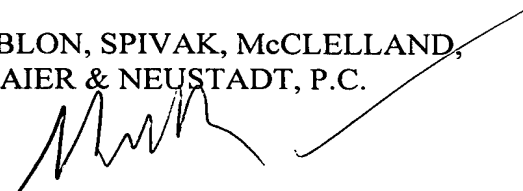
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

In the present application, Claim 1 is directed to a glass product, Claim 9 to a process of manufacturing a hollow glass product, and Claim 15 to an individual section machine for manufacturing a hollow glass product. Hence, it appears that these claims of the present invention are part of an overlapping search area and that a search for Claims 1-8 would necessarily include the class and subclasses required for a search directed to the rest of the claims as well. It is therefore believed that there is no undue burden on the Examiner to search all the claims under MPEP §803, and Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-15 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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Docket No.: 1247-0862-6E

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RE: Application Serial No.: 09/534,973
Applicants: Remy BADIN, et al.
Filing Date: MARCH 27, 2000
For: HOLLOW GLASS PRODUCT WITH OFFSET COLLAR
AXIS AND PROCESS OF MANUFACTURING THE SAME
Group Art Unit: 3727
Examiner: WEAVER, S

SIR:

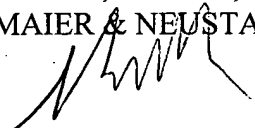
Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

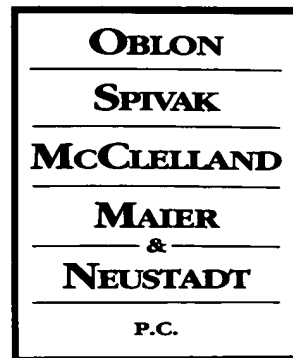

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